ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 25 to Implement	)	
the Global Mobile Personal Communications	)	
by Satellite (GMPCS) Memorandum of	)	IB Docket No. 99-67
Understanding and Arrangements	)	
	)	
Petition of the National Telecommunications	)	RM No. 9165
And Information Administration to Amend	)	
Part 25 of the Commission's Rules to	)	
Establish Emissions Limits for Mobile and	)	
Portable Earth Stations Operating in the	)	
1610-1660.5 MHz Band	)	

To: The Commission

SUPPLEMENTAL COMMENTS

FINAL ANALYSIS
COMMUNICATION SERVICES, INC.

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Dated: February 20, 2001

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SUPPLEMENTAL COMMENTS

Final Analysis Communication Services, Inc. ("Final Analysis") and Orbital Communications Corporation ("ORBCOMM") hereby respectfully submit these joint Supplemental Comments in response to the Commission's Public Notice, DA 00-2826 (released December 15, 2000) ("Public Notice"), in the above-captioned proceeding.

Final Analysis and ORBCOMM are licensees of Mobile-Satellite Service ("MSS") systems in the Non-Voice, Non-Geostationary ("NVNG") MSS ("NVNG MSS" or "Little LEOs"). NVNG MSS systems are included in the definition of "GMPCS"[1] – a Global Mobile

[1] GMPCS Systems are defined as "[a]ny satellite system (i.e., fixed or mobile, broadband or narrow-band, global or regional, geostationary or non-geostationary, existing or planned) providing telecommunications services directly to end users from a constellation of satellites." *See* Arrangements Pursuant to the GMPCS-MoU to Facilitate the Introduction and Development of Global Mobile Personal Communications by Satellite (GMPCS), IV-6. This is a definition the U.S. supported; and it has been accepted as including Little LEO systems.

Personal Communications by Satellite system.[2] While the Public Notice tends to consider all GMPCS systems as a group and all MSS systems as a group in considering whether or not to impose E911 capability requirements, it is clear that the Commission's E911 requirements should not be imposed on any NVNG MSS systems. Such requirements are not imposed on terrestrial systems offering services similar to those provided by NVNG MSS.

As discussed below, it is premature to impose E911 requirements on any GMPCS systems, and resolution of the E911 issue should not result in further delay in the above-captioned proceeding. If, however, the Commission disagrees, it should limit its consideration of the systems for which the requirements should apply to those satellite systems that provide two-way, interconnected, real time voice services similar to cellular and PCS, the terrestrial services that must meet current E911 requirements.

RESOLUTION OF THE E911 ISSUE SHOULD NOT CAUSE FURTHER DELAY TO IMPLEMENTATION OF THE GMPCS-MOU

It has been four years since the GMPCS-MoU was adopted and two and one half years since the Arrangements were completed. Yet, the U.S. still has not fully and formally implemented the GMPCS-MoU and its Arrangements. While the Commission has been operating under interim procedures to support its licensees in the implementation of their systems globally,[3] it is time for the Commission to do everything it must within its rules and

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[2] Final Analysis participated actively in the first International Telecommunication Union ("ITU") World Telecommunication Policy Forum (the "WTPF"), which focused on the theme, "Global Mobile Personal Communications by Satellite," and in its follow on activities. In particular, Final Analysis actively participated in the U.S. and international activities that led to the development of the GMPCS Memorandum of Understanding ("GMPCS-MoU") and the "Arrangements Pursuant to the GMPCS-MoU to Facilitate the Introduction and Development of Global Mobile Personal Communications by Satellite (GMPCS)" (the "Arrangements"). Final Analysis is a signatory to the GMPCS-MoU and an active member of the GMPCS-MoU Group at the ITU.

[3] See Report and Order in GEN Docket No. 98-68, FCC 98-338, released Dec. 23, 1998, adopting voluntary interim procedures for GMPCS terminal equipment.

procedures to implement fully, finally, and expeditiously the GMPCS-MoU and Arrangements, at least as they are applicable to GMPCS services.

As the Commission has recognized, other countries often look to the U.S. to see how it has handled satellite and telecommunications regulatory issues, particularly with respect to entities the Commission has licensed initially. That is especially true with respect to the GMPCS-MoU and Arrangements, where the U.S., itself one of the first signatories to the GMPCS-MoU, led the international efforts to develop this framework and to promote the rapid development and deployment of GMPCS. Final Analysis and ORBCOMM believe that many Administrations are still waiting to see what the U.S. does in its final implementation of the GMPCS-MoU and Arrangements before completing their own implementation procedures.

Final Analysis and ORBCOMM are concerned about the additional delays that have been and/or are being caused by issues tangential to the GMPCS-MoU being included in this docket. If the Commission is determined to address the applicability of E911 in this proceeding, it should bifurcate the proceeding and resolve the GMPCS-MoU implementation issues without further delay.

E911 REQUIREMENTS SHOULD NOT BE IMPOSED ON NVNG MSS SYSTEMS, OR ALL MSS SYSTEMS, OR ALL GMPCS SYSTEMS

Final Analysis and ORBCOMM are especially concerned about the E911 capability issue, because it is a potential requirement that should not even be an issue for all GMPCS or all MSS. In particular, it is a requirement or capability that should not be imposed on all NVNG MSS systems, which primarily provide machine to machine data communications. To the extent that these systems offer messaging applications, some of their terminals may be used for emergency communications; but that does not mean that they can or should be required to meet E911 capability requirements.

The Commission's current rules requiring E911 capability are only applicable to commercial mobile radio service involving the provision of "real-time, two-way switched voice service . . . utiliz[ing] an in-network switching facility which enables the subscriber to reuse frequencies and accomplish seamless handoffs of subscriber calls."[4] Thus, if the current rules for terrestrial systems were applied to MSS, they would not be applicable to the NVNG MSS systems. In fact, NVNG MSS systems are prohibited from providing voice services.[5]

Moreover, it is premature to require that GMPCS terminals have E911 capabilities. The MSS industry is still in early development stages. Only two of the new Big LEO systems and one of the Little LEO systems have been deployed. All MSS systems face a difficult financial market. Imposition of E-911 obligations in this context is not only inappropriate, but also would impose unnecessary and potentially harmful burdens on a nascent industry. Indeed, the reasons that led the Commission to decide not to require MSS systems to have this capability still exist today. As the Commission's Memorandum Opinion and Order in CC Docket No. 94-102 stated in 1997:

> "The Commercial MSS industry is still in its infancy .... it is our policy ... not to impose specific regulatory requirements on certain classes of CMRS providers that have not yet fully developed their commercial services .... we might revisit our decision if these various services develop into a mobile public telephone service like cellular or broadband PCS."[6]
>
> "[E]mergency service requirements for global MSS systems should be developed in an international forum to take into account compatibility and consistency with international standards, and to avoid burdening United States MSS licensees with a patchwork of different requirements .... We will revisit this issue if the MSS industry develops into a commercial mobile telephone service similar to cellular and broadband PCS, and still does not provide reliable public safety access to MSS customers."[7]

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[4] See 47 CFR §20.18(a).

[5] See 47 CFR §25.142(b)(1).

[6] See Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, FCC 97-402 (released December 23, 1997), slip op. at ¶87.

[7] Id. at ¶89.

The MSS industry is still in its infancy. It has not yet fully developed its commercial services. MSS generally has not developed into a commercial mobile public telephone service like cellular or PCS, and NVNG MSS never will. In any event, no standards have been developed in any international forum. There are not legions of subscribers in the U.S. needing or expecting GMPCS terminals to have E911 features. Thus, there is no reason or need to address this issue at this time or in this proceeding.

CONCLUSION

Final Analysis and ORBCOMM appreciate the substantial contribution of the Commission, particularly the International Bureau, to the development of the GMPCS-MoU and Arrangements. The challenge now is to see that they are implemented in the U.S. and globally. Final Analysis and ORBCOMM encourages the Commission to act expeditiously to implement them in the U.S. and to work with other countries to see that they are implemented elsewhere.

There is no reason or need to impose E911 capability requirements on NVNG MSS systems, and there is no reason or need to address this issue with respect to GMPCS systems generally at this time or in this proceeding.

Respectfully submitted,

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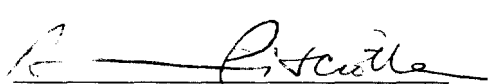

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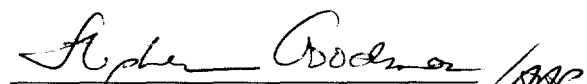

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Dated: February 20, 2001

CERTIFICATE OF SERVICE

I, Beatriz Viera, hereby certify that on this date a true and correct copy of the foregoing **Supplemental Comments,** on behalf of Final Analysis Communication Services, Inc., and Orbital Communications Corporation, was sent by regular mail to the individuals on the following list:

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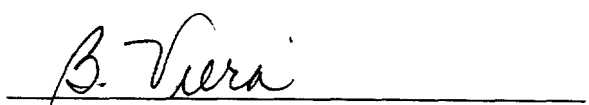

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